

BILL ANALYSIS

Senate Research Center

H.B. 2331
By: Lewis, R. (Gallegos)
Jurisprudence
7-5-95
Enrolled

BACKGROUND

During the 1993 Penal Code revisions, some language was inadvertently deleted. There was no testimony in favor of or opposed to Section 38.14, which was overlooked.

The deleted language provided for a Class C misdemeanor for a person who intentionally or knowingly prevented a peace officer from the execution of any process in a civil cause. This provision ensured that civil papers could be delivered in a timely fashion.

PURPOSE

As enrolled, H.B. 2331 provides that a person commits an offense if the person intentionally or knowingly prevents the execution of any process in a civil cause.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 38, Penal Code, by adding Section 38.16, as follows:

Sec. 38.16. PREVENTING EXECUTION OF CIVIL PROCESS. (a) Provides that a person commits an offense if the person intentionally or knowingly by words or physical action prevents the execution of any process in a civil cause.

(b) Provides that it is an exception to the application of this section that the actor evaded service of process by avoiding detection.

(c) Provides that an offense under this section is a Class C misdemeanor.

SECTION 2. Effective date: September 1, 1995.

SECTION 3. Emergency clause.